

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

v.

07 Cr. 543 (KMK)

YEHEZKEL ELIA and
DAVID ELYAHO

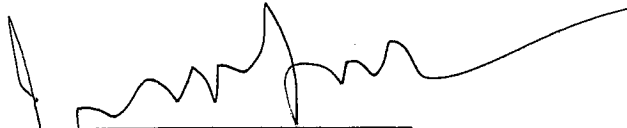
NOTICE OF MOTION

Defendants.

-----X
PLEASE TAKE NOTICE that, upon the attached Declaration of Jared J. Scharf, the exhibits annexed thereto, and the accompanying memorandum of law, the undersigned will move this Court, before the Honorable Kenneth M. Karas, United States District Judge for the Southern District of New York, at the United States Courthouse, 300 Quarropas Street, White Plains, New York, on a date to be determined by the Court, for an Order excluding certain evidence and arguments the government may intend to offer at trial and for such other relief as this Court deems proper.

This motion is made pursuant to Rules 401, 402, 403, 404(b), 608 and 801 Federal Rules of Evidence.

Dated: White Plains, New York
May 23, 2008



Jared J. Scharf
1025 Westchester Avenue
White Plains, New York 10604
(914) 682-9777

Attorney for Defendant
Yehezkel Elia

TO: Cynthia Dunne, Esq.
Assistant United States Attorney
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Joseph A. Vita, Esq.
327 Irving Avenue
Port Chester, New York 10573